

manipulated, disjoined and joined to establish voice communication and to provide telephony functions.

---

### REMARKS

The present amendment is to the Office Action mailed in the above-referenced case on 08/30/00. Claims 1-17 are herein presented for examination. Claims 1, 3-7, 9-15, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by White et al. (US 6,069,890) hereinafter White.

In response to the Examiner's rejections, objections and statements, applicant herein makes minimal amendments to the claims to more particularly point out that the call appliance is Internet capable and argues the reference of White as failing to fully anticipate applicant's claims as stated by the Examiner.

Claim 1, as amended, herein recites:

*1. A system for simulating connection-oriented telephony functions in an IP network, comprising:*

*two or more IP routers interconnected with two or more Internet-capable call appliances on the network; and*

*software managing setup and execution of IP calls between call appliances through the routers;*

*wherein IP calls are managed by the software by setting up separate and distinct end node legs between call appliances and routers, and separate and distinct intermediate legs between routers, and then joining and disjoining legs to establish voice communication and to provide telephony functions.*

Claim 1 is rejected as being anticipated by White. Applicant herein amends claim 1 to more particularly recite that the call appliances are Internet-

capable, as the type of calls taught in applicant's specification and recited in applicant's claim are IP calls.

The Examiner states that White discloses a system and method for providing telephone services over an Internet network **106**. The Examiner states that the system consists of at least two IP routers **102**, **104** interconnected with two or more call appliances **100**, **118** on the Internet **106**.

Applicant amended claim 1 to point out that the call appliances are Internet capable. The call appliances **100** and **118** in the art of White are standard public telephones. White does not teach a caller placing a call on the Internet. In the art of White a call leaves telephone **100** as a standard public network call and arrives to telephone **118** as a standard public network call. White's invention permits a caller to set-up and carry out a telephone call over the Internet from telephone station to telephone station without access to computer equipment, without the necessity of maintaining a subscription to any Internet service, and without the requiring Internet literacy or knowledge.

In applicant's invention as shown in Fig. 1, a user A associated with site **13** and having an (IP-capable telephone) or other IP-call-capable appliance connected to the network is engaged in an established call with a user B, also having a capable phone appliance, associated with site **15**. For purposes of the descriptions herein, it is to be understood that IP calls made by a user or an end-site are made using IP-capable equipment, such as a PC/VDU or an IP-phone or appliance. An IP-capable appliance is considered the most generic term, including IP-capable telephones, PCs, IP-capable cell phones, organizers, and the like; that is, any device capable of supporting an IP telephone call. In White the only Internet connection "legs" are between Gateway router **104** and Gateway router **116**. Not between IP capable appliances as claimed in applicant's invention.

The Examiner also states that an end office switching system **105** of LEC **102** analyzes the received calls and determines if the call is an Internet call, wherein each IP router may be part of the LEC. Applicant respectfully point out

that the art of White does not state that each IP router may be part of the LEC. White discloses that in order to provide telephone services according to the invention the LEC 102 is connected to a gateway router 104 which in turn is connected to the Internet 106. The gateway router 104 may be regarded as an ISP's gateway mechanism. The ISP may or may not be a part of the LEC (col. 7, lines 53-58). Applicant respectfully points out that the ISP in this embodiment is not the IP router.

White teaches (Fig. 2) that the set up of the Internet connection is as follows. When the originating central office receives from the destination central office the common channel interoffice signaling (CCIS) signal announcing that the called station is available and waiting, the originating central office may send a CCIS message to the Internet Module 72 and the processor interface 87 to the router 85. This message delivers the directory numbers of the calling station and the called station and requests establishment of an Internet connection between the two.

Figure 4 of White, relied on by the Examiner, teaches the Internet address database 112 reads the area code and NXX number of the dialed digits and extracts from its tables the IP address of the gateway router 116, which serves the called area and exchange via LEC 114. This IP address is delivered to the gateway router 104. The router uses the address to dispatch across the Internet 106 a TCP/IP packet which bears that IP address and which also includes the complete set of dialed telephone number digits identifying the called telephone station 118. The destination gateway router 116 in turn delivers the information in that packet to the LEC 114. Since the information includes the complete telephone number of the telephone station 118, the LEC 114 is in command of all necessary data to connect to that station. This methodology permits the establishment of the call without requiring communication between the LECs 102 and 114 other than through the Internet, and without requiring the maintenance of a full global IP address database on the source end at 112. Clearly, Internet communication legs are not setup between appliances 100 and

118 in the art of White.

Applicant believes claim 1 as amended is clearly patentable over the art of White as White fails to teach two or more IP routers interconnected with two or more Internet capable call appliances on the network, wherein IP calls are managed by software by setting up separate and distinct end node legs between call appliances and routers, and separate and distinct intermediate legs between routers, and then joining and disjoining legs to establish voice communication and to provide telephony functions. Claims 3-6 are patentable on their own merits, or at least as depended from a patentable claim.

Regarding claim 2, the Examiner states that White does not teach that the call appliances include IVR units. The Examiner relies on Andrews to teach an IVR system as disclosed in applicant's invention. Applicant argues that the IVR units taught in Andrews do not handle Internet calls, or set up Internet communication legs between IP routers as recited in applicant's claimed invention. The IVR units as disclosed in Andrews are specifically to handle calls received on a PSTN network.

Andrews teaches that each of the call services comprise at least one agent workstation, which may or may not be associated with an ACD or PBX. Also preferably, the telephone call service includes an IVR or similar system, and the Internet call service includes at least one Internet multimedia service provider. In this embodiment, at least one workstation is networked to a caller information database(col. 3, lines 43-48). Therefore, applicant believes that claim 2 is patentable over the combination of White and Andrews.

Claim 7, as amended, herein recites:

*7. A method for simulating connection-oriented telephony functions in an IP network, comprising steps of:*

*(a) interconnecting two or more IP routers with two or more internet capable call appliances on a network;*

*(b) setting up separate and distinct end-node call legs between call appliances and routers, and separate and distinct intermediate call legs between routers; and*

*(c) joining and disjoining legs to provide telephony functions.*

Claim 7 is rejected under 102(e) as being unpatentable over White. Applicant herein amends method claim 7 to include Internet capable call appliances as done in claim 1. Applicant believes that claim 7 is therefore patentable using the same arguments and reasoning provided on behalf of claim 1. Claims 8-12 are also patentable on their own merits, or at least as depended from a patentable claim.

Claim 13 herein recites:

*13. A method for establishing an IP telephone call from a first IP-capable appliance through first and second IP routers to a second IP-capable appliance, comprising steps of:*

*(a) setting up a separate and distinct end-node call leg between the first appliance and the first router;*

*(b) setting up a separate and distinct end-node call leg between the second appliance and the second router;*

*(c) setting up at least one separate and distinct intermediate call leg between the first and second IP routers; and*

*(d) joining the call legs to establish voice communication.*

Applicant believes method claim 13 is patentable over White in it's original form. Claim 13 recites a method for establishing an IP telephone call from a first IP-capable appliance through first and second IP routers to a second IP-capable appliance. As argued extensively on behalf of claim 1 above, White fails to disclose Internet capable appliances. White establishes an Internet

connection between Gateway Routers 104 and 116. Applicant believes claim 13 is patentable over the art of white. Claims 14-16 are patentable on their own merits, or at least as depended from a patentable claim.

Claim 17, as amended, herein recites:

*17. A system for simulating connection-oriented telephony functions in an IP network, comprising:*

*two or more IP routers interconnected with two or more Internet capable call appliances on a network; and*

*software managing setup and execution of IP calls between call appliances through the routers;*

*wherein IP calls are managed by the software by setting up call legs between call appliances and routers, and between routers, which can then be manipulated, disjoined and joined to establish voice communication and to provide telephony functions.*

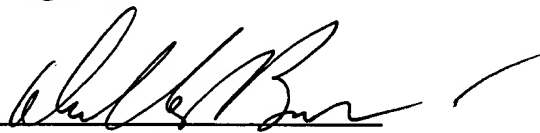
Claim 17 is also rejected under 102(e) as being anticipated by White. Applicant herein amends claim 17 to more particularly point out that the call appliances are Internet capable. As argued above, White only sets up Internet call legs between routers. Therefore the telephony functions accomplished in applicant's invention could not possibly be accomplished in the art of White. Applicant believes claim 17 is patentable over the art of White.

As all of the claims left standing and as amended are clearly shown to be patentable over the art of White, applicant respectfully requests that the rejections be withdrawn and that the case be passed quickly to issue.

If any fees are due beyond fees paid with this amendment, authorization is made to deduct those fees from deposit account 50-0534. If any time extension is needed beyond any extension requested with this amendment, such extension is hereby requested.

Respectfully Submitted,

Leniod Yegoshin

by   
Donald R. Boys  
Reg. No. 35,074

Donald R. Boys  
Central Coast Patent Agency  
P.O. Box 187  
Aromas, CA 95004  
(831) 726-1457